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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Takeover Industries Incorporated, et al.,

10 Plaintiffs,

11 v.

12 Michael Holley, et al.,

13 Defendants.
14

No. CV-22-00357-PHX-DJH

ORDER

15 On January 9, 2026, Counterdefendant Labor Smart, Inc. ("LTNC") and Third-
16 Party Defendants Holley, McBride, Pavlik ("HMP"), Next Gen Beverages, LLC
17 ("NGB") and Zarro (HMP, NGB and Zarro collectively "3PD") filed a Partial Motion for
18 Summary Judgment (Doc. 232) and a Separate Statement of Supporting Facts (Doc. 233).
19 The Court's Scheduling Order (Doc. 212), however, explicitly states that


20 This Court is suspending LRCiv 56.1, except subsection (d). The Court will
21 decide summary judgment motions under Fed.R.Civ.P. 56 only. **Therefore,**
22 **the parties may not file separate statements of facts or controverting**
23 **statements of facts.** Rather, the parties must include all facts in the motion,
24 response, or reply itself. All evidence to support a motion or response must
25 be attached to the motion or response and consistent with LRCiv 56.1(f).
26 The evidence may include only relevant excerpts rather than full
documents. No evidence may be submitted with a reply. Each citation to
evidence in support of a fact must include a pin citation to the specific
page(s) proving that fact.

27 (*Id.* at 5) (emphasis added).

28 Accordingly,

1 **IT IS ORDERED** that the Partial Motion for Summary Judgment (Doc. 232) and
2 Separate Statement of Facts (Doc. 233) are **stricken**. LTNC and 3PD may have until
3 January 12, 2026 to file a dispositive motion in compliance with this Court's Orders.

4 Dated this 9th day of January, 2026.

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7 Honorable Diane J. Humetewa
8 United States District Judge
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